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Attorneys for Defendant April Alcorn

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF
CALIFORNIA

CHAD MCKINNEY, an individual,
Plaintiff,

v.

APOLLO GROUP, INC.,
UNIVERSITY OF PHOENIX, a
Corporation, MECHELLE
BONILLA, an Enrollment Manager
at UNIVERSITY OF PHOENIX,
KYAN FLYNN, Director of
Enrollment at UNIVERSITY OF
PHOENIX, APRIL ALCORN, an
Employees Relations Consultant at
UNIVERSITY OF PHOENIX,
CARLYN LINDSTEN, Associate
Director of Enrollment at
UNIVERSITY OF PHOENIX

Defendants

CASE NO. 07-CV-2373 WQH CAB

**APRIL ALCORN'S NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT, OR, IN THE
ALTERNATIVE, MOTION FOR
MORE DEFINITE STATEMENT**

**[FRCP 12(b)(2); 12(b)(5); 12(b)(6);
12(e).]**

**NO ORAL ARGUMENT, UNLESS
REQUESTED BY THE COURT**

Date: May 12, 2008
Time: 11:00 a.m.
Courtroom: 4
Judge: Hon. William Q. Hayes

DATE OF FILING: December 19, 2007

TO PLAINTIFF AND HIS ATTORNEY(S) OF RECORD:

PLEASE TAKE NOTICE that on May 12, 2008 at 11:00 a.m., or as soon
thereafter as counsel may be heard by the above entitled Court, located at 940 Front
Street, San Diego, California 92101, Courtroom 4, defendant April Alcorn
("Alcorn") will and hereby does move the Court pursuant to Rules 12(b)(2);

1 12(b)(5); 12(b)6; and 12(e) of the Federal Rules of Civil Procedure (“FRCP”) to
 2 dismiss plaintiff’s complaint with prejudice or in the alternative require a more
 3 definite statement.

4 This motion is brought on the following grounds: (1) The Court lacks
 5 personal jurisdiction over Alcorn; (2) The Court lacks jurisdiction over Alcorn
 6 since she was never properly served in this matter; (3) The Complaint fails to state
 7 any claims upon which relief may be granted; (4) The Complaint fails to set forth a
 8 short and plain statement of the claim showing that McKinney is entitled to relief;
 9 and (5) The Complaint is so vague and ambiguous so as to require plaintiff to
 10 provide a more definite statement.

11 This motion is based on this notice of motion and motion, the memorandum
 12 of points and authorities, the declarations of Nathan W. Hicks, April Alcorn, and
 13 Rebecca Springfield filed herewith, and supporting exhibits thereto, the Court’s
 14 files in this matter, all supporting documents, evidence and oral argument before
 15 this Court at the time of the hearing, and any other matter properly before the Court.

16 Date: March 31, 2008

SNELL & WILMER L.L.P.

17
 18 By: s/Nathan W. Hicks

19 Christy Joseph

20 Nathan W. Hicks

21 Attorneys for Defendant April
 22 Alcorn
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PROOF OF SERVICE

**McKinney v. Apollo Group, Inc., et al.
USDC, Southern – Case No. 07-CV-2373**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626-7689.

On April 1, 2008, I served, in the manner indicated below, the foregoing document described as

**APRIL ALCORN'S NOTICE OF MOTION AND MOTION TO DISMISS
PLAINTIFF'S COMPLAINT, OR, IN THE ALTERNATIVE, MOTION FOR
MORE DEFINITE STATEMENT**

on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

I am employed in the office of a member of the bar of this court at whose direction the service was made.

Please See Attached Service List

- ☐ BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a)).
- ☐ BY FACSIMILE: (C.C.P. § 1013(e)(f)) and by e-mail
- ☒ BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)).
- ☐ BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees. (C.C.P. § 1011(a)(b)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 1, 2008, at Costa Mesa, California.



Anh Dufour

SERVICE LIST**McKinney v. Apollo Group, Inc., et al.
USDC, Southern – Case No. 07-CV-2373**

| | |
|--|-------------------|
| Chad McKinney Pro Se 6266 Madeline Street, Apt. #61 San Diego, CA 92115 (619) 634-3566 | Plaintiff, Pro Se |
| United States District Court Attention: Hon. Judge William Q. Hayes Courtroom 4 940 Front Street, Room 4290 San Diego, CA 92101-8900 (619) 557-5600 | Courtesy Copy |

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